DOCKET NO.: MSFT-0737/183219.01
Application No.: 10/017,689
Office Action Dated: December 14, 2001

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

## REMARKS

Claims 1-6 and 8-19 are pending in the present application. Claims 7 and 20 were previously cancelled. Claims 1-6 and 8-19 stand rejected.


### *Interview Summary*

Applicants' representative thank the examiner for the interview conducted telephonically on May 12, 2008. Applicants' representative discussed the cited reference and how the claims are patentably distinct over the cited references. The examiner indicated that other search engines (not of record) such as Google or Dogpile are similar to the claims. Applicants indicated that the claims would be amended to clarify the claims are directed to querying data structures of different format types that contain substantially the same information and consequently the results returned would be substantially the same. By contrast, Google and Dogpile, as Applicants' representative understands those references, returns hits that match a query and does not return results that are the same. Moreover, there are additional limitations in the claims as noted in the below response that further differentiate over the cited references. (The amendments were made to further prosecution in response to the interview. Applicants' representative submits that the unamended claims would overcome Memmott.)


### *Claim Rejections - 35 USC § 102*

Claims 1-6, 8-13, 17-19 are rejected under 35 U.S.C. § 102(e) as being anticipated by Memmott et al. (US Patent No. 6,560,591).

Applicants respectfully disagree for the reasons stated below.

With respect to independent claim 1, the examiner maintains that Memmott disclose:

> **preparing a query specifying the <u>constraints</u> to be applied on at least two <u>data structure</u> wherein each data structure is stored in a <u>different data format</u>** (col. 3, lines 26-41, a query be formatted in object-oriented formats such as <u>Managed object format</u> and <u>syntaxes</u> such as <u>XML</u>, wherein the query may conform to at least one among the distributed management <u>schemes</u>. In the query is a query characteristic that identifies the information requested and/or the subject matter of the query, for example, a query relating to a DVD);

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Action p. 3. The cited portion of Memmott misses the point of the claim and does not meet the claimed limitation. The claim does not require the <u>query</u> to be of different format types as is suggested in the cited passage from Memmott; rather, the claim requires the data structures to be of different format *types*. The cited portion of Memmott by contrast clearly says that the *query may be formatted* in different object-oriented formats. In other words, the query may be of a different type, depending on the data that is to be queried. As such Memmott does not anticipate independent claim 1.

> The examiner also points out in the response to arguments that:

>> Memmott discloses at column 2, lines 12-18 that "it is possible that data responsive to a query relating to any particular subject may be available from more than one provider ... Likewise, a request for a stock quotation may be answered similarly bv a number of financial information sites". Memmott further discloses that "multiple data providers is that **responses** by different providers to the same query **may represent similar values yet appear completely different**." For example, the CIM's scheme, free disk space is reported in units of bytes, while in the DM1 scheme, free disk space is reported in units of kilobytes (col. 7, lines 38-43).

Action, p. 6 (emphasis added). Applicants respectfully submit that this portion of Memmot does not resolve the deficiencies pointed out previously. First, this passage merely notes that more than one site can respond to a query. However, it does not say anything regarding the format type of the data structures for those sites. Moreover, the only item that this passage says is different is *the responses*. It say nothing about the underlying format types of data structures. As such, applicants submit that the examiner has failed to provide support from the specification to render the claims anticipated by Memmot. See MPEP 2131 ("**TO ANTICIPATE A CLAIM, THE REFERENCE MUST TEACH EVERY ELEMENT OF THE CLAIM**") (emphasis in original).

Inasmuch as claims 2-6 depend from claim 1, they also patentably define over Memmott.

Claim 8 has also recites a similar distinction over Memmott and for at least that reason also patentably defines over Memmott. Inasmuch as claims 9-12 depend from claim

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8, they also patentably define over Memmott for at least the same reasons as independent claim 8.

The examiner has also rejected claim 13 on the basis that Memmott discloses:

> indicating in a response to the query whether the query data type matches the data structure data type and whether the query value matched the value stored in the data structure (col. 6, lines 20-24, once data responsive to the query has been obtained, a response based on the data is transmitted to the data requestor).

Action p. 5. Applicants respectfully disagree. The claim clearly requires two items of information be indicated in response to the query: (1) whether the data type matches the data structure data type and (2) whether the query value matches the value stored in the data structure. The cited portion of Memmott merely says that data responsive to the request is transmitted to the requestor. However, Memmott nowhere describes how the data type math information is returned.

The examiner further contends that:

> Applicants were directed to Memmott's Fig. 7, because it states that query characteristics were examined and indication in response to the query was determined by "yes" "no". A ***determination was made to the request is whether the data responsive to the query available from data providers, and if not, indicating an indicate error.*** Thus, Memott does teach the claimed limitations "indicating in a response to the query whether the query data type matches the data structure data type ***and*** whether the query value matched the value stored in the data structure."

Action p. 7 (emphasis added). However, the cited portion simply does not teach whether the query data type matched the data structure data type. In fact, a simple yes/no cannot provide and indication of two different inquiries, i.e. a data type mismatch and whether a value matched. If a no is received, for example, it is entirely possible that the query value matches while the query data type mismatched. As such, it cannot meet the limitation of the claim.

For at least the above reasons, claim 13 patentably defines over Memmott. Inasmuch as claims 14-19 depend from claim 13, they also patentably define over Memmott for at least the same reason.

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## CONCLUSION

In the view of the foregoing amendments and remarks, Applicants respectfully submit that the present application is in condition for allowance. Reconsideration of the application and an early Notice of Allowance are respectfully requested. In the event that the Examiner cannot allow the application for any reason, the Examiner is encouraged to contact Applicants' representative.

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